

**IN THE COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
TWENTY-FIRST JUDICIAL CIRCUIT**

FILED

Philip D. Mitchell,

Plaintiff,

VS.

Palisades Collection LLC,

Defendant.

NOV 25 2009

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

CASE NO. 09SL-SC01623

**NOTICE OF FILING OF DEFENDANT PALISADES
COLLECTION LLC'S NOTICE OF REMOVAL**

TO THE COURT AND PLAINTIFF:

PLEASE TAKE NOTICE that, on November 19, 2009 defendant, Palisades Collection LLC, by and through its attorneys, Hinshaw & Culbertson LLP and Ashley L. Narsutis, timely filed a Notice of Removal of this action in the United States District Court for the Eastern District of Missouri (the “Notice”). A true and correct copy of the Notice without exhibits is attached hereto as Exhibit A.

HINSHAW & CULBERTSON LLP

By:

ASHLEY L. NARSUTIS,
MO STATE BAR #55255

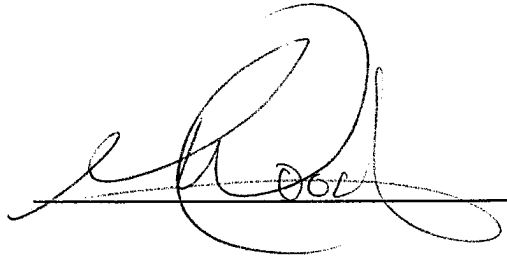
Gateway One
701 Market Street, Suite 1300
St. Louis, MO 63101-1843
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anarsutis@hinshawlaw.com
ATTORNEYS FOR DEFENDANT
PALISADES COLLECTION LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was placed in a sealed envelope, clearly addressed, with proper postage fully prepaid, and deposited in the United States Mail at St. Louis, Missouri, on this 19th day of November, 2009, addressed to the following party of record:

Philip D. Mitchell
932 Latigos Trail
St. Louis, MO 63131
PLAINTIFF

A handwritten signature in black ink, appearing to read "P. D. Mitchell", is written over a horizontal line.

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PHILIP D. MITCHELL,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO.
)	
PALISADES COLLECTION LLC,)	
)	
Defendant.)	

NOTICE OF REMOVAL

To: Judges of the United States District Court for the Eastern District of Missouri

Defendant, Palisades Collection LLC ("Palisades"), by and through its attorney Ashley L. Narsutis, and for its Notice of Removal pursuant to 28 U.S.C. §1441(a) and 1446, and in support thereof, state as follows:

1. On or about October 21, 2009, Plaintiff Philip D. Mitchell, filed a complaint against Palisades in the Circuit Court of St. Louis, Small Claims Division. A copy of the complaint is attached hereto and incorporated herein by reference as Exhibit A.
2. Process was served upon Defendant on or about October 23, 2009, although the summons does not reflect the date of service. A copy of the summons is attached hereto as Exhibit B. In any event, the earliest that defendant could have been served is October 21, 2009.
3. Copies of the above mentioned complaint and summons constitute true and correct copies of all process, pleadings and orders served upon Palisades.
4. The complaint asserts a federal cause of action against Palisades for purported violations of the Fair Debt Collection Practices Act.
5. This Notice was filed with the Clerk of the United States District Court within thirty (30) days after service of the complaint upon the Defendant. 28 U.S.C. §1446(b).

6. 28 U.S.C. §1441(b) provides as follows:

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the state in which such action is brought.

7. The United States District Court for the Eastern District of Missouri has jurisdiction over the plaintiff's claim due to the fact that the allegations against Palisades contained in his complaint arise under the Constitution, laws or treaties of the United States. 28 U.S.C. §1331.

8. Plaintiff claims Palisades violated §1692c in its attempted collection of plaintiff's debt. In light of the amount that plaintiff claims he is owed, plaintiff is seeking recovery under the FDCPA of actual and statutory damages, pursuant to §1692k.

9. In the complaint, plaintiff alleges that Palisades was acting as a debt collector in attempting to collect a debt from plaintiff.

10. The plaintiff's complaint invokes federal question jurisdiction because the allegations involve claims under the FDCPA, 15 U.S.C. §1692 *et seq.*

WHEREFORE, the Defendant, Palisades Collection LLC, respectfully requests that this case proceed in this court as an action properly removed to it.

HINSHAW & CULBERTSON LLP

By: /s/ Ashley L. Narsutis
ASHLEY L. NARSUTIS, EDMO #123368
MO STATE BAR #55255
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701 Market Street, Suite 1300
St. Louis, MO 63101-1843
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F: 314-241-7428
anarsutis@hinshawlaw.com
ATTORNEYS FOR DEFENDANT
PALISADES COLLECTION LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the clerk of the court and served via the court's CM/ECF system on all parties receiving ECF notices and was placed in a sealed envelope, clearly addressed, with proper postage fully prepaid, and deposited in the United States Mail at St. Louis, Missouri, on this 19th day of November, 2009, addressed to the following party of record:

Philip D. Mitchell
932 Latigos Trail
St. Louis, MO 63131
PLAINTIFF

/s/ Melissa M. Wood

Complaints and Other Initiating Documents4:09-cv-01905 Mitchell v. Palisades Collection LLC**U.S. District Court****Eastern District of Missouri (LIVE)****Notice of Electronic Filing**

The following transaction was entered by Narsutis, Ashley on 11/19/2009 at 4:31 PM CST and filed on 11/19/2009

Case Name: Mitchell v. Palisades Collection LLC**Case Number:** 4:09-cv-1905**Filer:** Palisades Collection LLC**Document Number:** 1**Docket Text:**

NOTICE OF REMOVAL from Circuit Court of St. Louis County, Small Claims Division, case number 09SL-SC01623, with receipt number 0865000000002060276, in the amount of \$350 Non-Jury Demand,, filed by Palisades Collection LLC. (Attachments: # (1) Exhibit A, # (2) Exhibit B)(Narsutis, Ashley)

4:09-cv-1905 Notice has been electronically mailed to:

Ashley L. Narsutis anarsutis@hinshawlaw.com, mwood@hinshawlaw.com, pvoss@hinshawlaw.com

4:09-cv-1905 Notice has been delivered by other means to:

Philip D. Mitchell
932 Latigos Trail
St. Louis, MO 63131

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1037221849 [Date=11/19/2009] [FileNumber=3129812-0] [a7846de64623ae51b935a91ceaf2ebc6943530f59cb83544796c69d9628cb228e32bd883883d48aeb32ef3e4491d8b1c080e7d57d8287f7a0e9b4231ebdb1df8]]

Document description: Exhibit A**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1037221849 [Date=11/19/2009] [FileNumber=3129812-1] [0dad707a2c6f3977a39509a23670ad039b77764da013291529e186c9fafb689574926bfcd2ef977131726b45bd1428ae9036a38b0e7ab8f4b4715887b72823c9]]

Document description: Exhibit B**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1037221849 [Date=11/19/2009] [FileNumber=3129812-2] [1a781a64fa7f1c49fde34f74dc0da65c0734a9754946d1f5e6417c5363cc1329603ab07172cb096216170b2dde622cf60ed10162714b5b14363a05a2c8bb7272]]